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The right to development

Report of the Secretary-General

Summary

The present report contains information supplementing the report of the United Nations High Commissioner for Human Rights on the right to development, submitted to the Commission on Human Rights at its sixtieth session.

The Working Group on the Right to Development held its fifth session in Geneva in February 2004. The Office of the High Commissioner convened, within the context of the session, a high-level seminar on the theme "Global partnership for development". The Commission on Human Rights endorsed the conclusions and recommendations of the Working Group, among which was the establishment, for a one-year period, of a high-level task force on the implementation of the right to development. The Office is currently assisting the Chair of the Working Group in the establishment of the task force.

In response to the request addressed by the Commission to the Subcommission for the Promotion and Protection on Human Rights to prepare a concept paper proposing options for the implementation of the right to development, the Office commissioned five studies for consideration by the Subcommission at its fifty-sixth session.

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I. Introduction

1. In its resolution 58/172 of 22 December 2003, the General Assembly requested the Secretary-General to bring the resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions and non-governmental organizations, and to submit a report to the Assembly at its fifty-ninth session and an interim report to the Commission on Human Rights at its sixtieth session on the implementation of the resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development.

2. In response to this request, the Secretary-General disseminated the resolution and, in a note submitted to the Commission on Human Rights at its sixtieth session (E/CN.4/2004/116), drew attention to document E/CN.4/2004/22, containing the annual report prepared by the United Nations High Commissioner for Human Rights in response to a request made by the Commission in resolution 1998/72 of 22 April 1998.

3. In that resolution the Commission had invited the High Commissioner to submit a report to the Commission each year, and to provide interim reports to the open-ended Working Group on the Right to Development, in each case covering:

> "(a) The activities of [the] Office relating to the implementation of the right to development as contained in [the High Commissioner's] mandate;
>
> "(b) The implementation of resolutions of the Commission on Human Rights and the General Assembly with regard to the right to development;
>
> "(c) Inter-agency coordination within the United Nations system for the implementation of relevant resolutions of the Commission in that regard."

4. The present report contains updated information that complements that contained in the aforementioned report of the High Commissioner.

II. Updated information complementing the report of the High Commissioner for Human Rights on the right to development (E/CN.4/2004/22)

5. The Commission on Human Rights, in its resolution 2003/83 of 25 April 2003, requested the Subcommission on the Promotion and Protection of Human Rights to prepare a concept document establishing options for the implementation of the right to development and their feasibility, inter alia, an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration on the Right to Development, including issues which any such instrument might address, for submission to the Commission at its sixty-first session for its consideration and determination of the feasibility of those options.

6. In the same resolution, the Commission requested the High Commissioner to convene a two-day high-level seminar immediately prior to the next session of the Working Group on the Right to Development and within its 10 working days, inviting all the relevant actors from the human rights, trade, financial and

development fields to review and identify effective strategies for mainstreaming the right to development in the policies and operational activities of the major international organizations/institutions, and as a contribution to the work of the Subcommission on the proposed concept document.

7. The Office of the High Commissioner for Human Rights organized in Geneva, on 9 and 10 February 2004, the high-level seminar on the theme "Global partnership for development". The seminar addressed the following: (a) the contribution of United Nations agencies and programmes to the right to development; (b) country experiences in operationalizing the right to development; (c) partnerships for development; (d) international trade and development; and (e) national perspectives on the right to development. The seminar was chaired by Adebayo Adedeji (Nigeria) and participants included experts in the fields of human rights, trade and development, the independent expert of the Commission on Human Rights on the right to development, the member of the Subcommission entrusted with the mandate to prepare a working paper identifying and analysing possible alternatives that would enable the Subcommission to respond fully and as effectively as possible to the above-mentioned request of the Commission, representatives of Member States, representatives of United Nations agencies and programmes and international financial, trade and development organizations, and representatives of non-governmental organizations. At the seminar, presentations by the invited speakers were followed by an interactive discussion.

8. The Office prepared an information note (HR/GVA/SEM/RTD/2004/2), in which the following questions were identified as the focus of the seminar: (a) "What are the functional partnerships at the global, regional and national levels for the implementation of the right to development?"; (b) "How can the potential of these partnerships be better exploited?"; (c) "What are the means and methods of harmonizing the scope and activities of these partnerships, with a view to building a coherent, transparent and efficient environment for development?"; and (d) "Is it possible to implement and realize the right to development without development partnership and cooperation?". The report on the high-level seminar on the right to development is contained in document E/CN.4/2004/23/Add.1.

9. The Commission on Human Rights, in its resolution 2004/7 of 13 April 2004, endorsed the conclusions and recommendations adopted by the Working Group on the Right to Development at its fifth session as reflected in its report (E/CN.4/2004/23 and Corr.1, paras. 41-51) and called for their immediate, full and effective implementation by the Office of the High Commissioner and other relevant actors. In this regard, the Office is currently providing support to the Chair of the Working Group in the implementation of the decision by the Group to establish a high-level task force for a period of one year with a view to helping it to fulfil the mandate assigned to it in paragraph 10 (*a*) of Commission resolution 1998/72.

10. It is anticipated that the task force would comprise high-level representatives from the identified trade, finance and development institutions and organizations, as well as five experts from diverse backgrounds with practical experience related to the implementation of the right to development. For its first report, the task force would analyse and prepare recommendations on the following issues, which reflect both national and international perspectives: (a) obstacles and challenges to the achievement of the Millennium Development Goals in relation to the right to development; (b) social impact assessments in the areas of trade and development at

the national and international levels; and (c) best practice in the implementation of the right to development (see E/CN.4/2004/23 and Corr.1, para. 49). The issue of best practice will be considered within the scope of the other two mandated themes so as to focus the discussions and analyses undertaken by the task force. The first meeting of the task force is scheduled to be held in Geneva from 6 to 10 December 2004.

11. Pursuant to the request addressed to the Subcommission to prepare a concept paper, the Office of the High Commissioner commissioned the preparation of the following five studies for consideration by the Subcommission: (a) "Study on policies for development in a globalizing world: what can the human rights approach contribute?" (E/CN.4/Sub.2/2004/18); (b) "Towards a human rights approach to development: concepts and implications" (E/CN.4/Sub.2/2004/19); (c) "The right to development: study on existing bilateral and multilateral programmes and policies for development partnership" (issued as a conference room paper); (d) "Mainstreaming the right to development into international trade law and policy at the World Trade Organization" (E/CN.4/Sub.2/2004/17); and (e) "The legal nature of the right to development and enhancement of its binding nature" (E/CN.4/Sub.2/2004/16).